

GOVERNMENT, MILITARY & VETERANS AFFAIRS  
COMMITTEE

NEBRASKA LEGISLATURE

SUMMARY OF 2013 LEGISLATION

One Hundred Third Legislature  
First Session

Senator Bill Avery, Chair  
Senator Scott Price, Vice-Chair  
Senator Dave Bloomfield  
Senator Russ Karpisek  
Senator Scott Lautenbaugh  
Senator John Murante  
Senator Jim Scheer  
Senator Norm Wallman

Christy Abraham, Legal Counsel  
Sherry Shaffer, Committee Clerk

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**LIST OF BILLS REFERENCED TO THE  
GOVERNMENT, MILITARY & VETERANS AFFAIRS COMMITTEE**

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- LB 40** (Harms) Update reference to Government Auditing Standards  
**Enacted (Page 9)**
- LB 41** (Cook) Provide for permanent early voting request list and return of early voting ballots to polling places  
**Held in Committee (Page 38)**
- LB 56** (Larson) Provide for automatic nomination of certain county officers  
**General File (Page 26)**
- LB 65** (Schilz) Authorize counties to set sheriff's fees and commissions  
**Held in Committee (Page 38)**
- LB 78** (Avery) Eliminate an authority, a board, and certain committees and commissions  
**Enacted (Pages 9-10)**
- LB 79** (Avery) Change political accountability and disclosure provisions and repeal campaign finance laws  
**Enacted (Pages 10-12)**
- LB 98** (Mello) Change provisions relating to administrative rules  
**General File (Page 26)**  
*Portions/Provisions of LB 98 were amended into LB 242.*  
*Bill was indefinitely postponed on motion of Speaker on last day of session.*
- LB 108** (Karpisek) Prohibit counties, cities, and villages from imposing credentialing requirements  
**Held in Committee (Pages 38-39)**
- LB 125** (Lautenbaugh) Change provisions relating to boards of education of Class V school districts  
**Enacted (Pages 12-13)**
- LB 127** (McGill) Provide for preregistration to vote for 16 and 17 year olds  
**Held in Committee (Page 39)**
- LB 137** (Avery) Establish state fleet card programs  
**Enacted (Pages 13-14)**
- LB 140** (Krist) Change provisions of the Airport Zoning Act  
**Enacted (Pages 14-16)**

- LB 144** (Brasch) Provide for write-in candidacy by defeated candidate  
**General File (Pages 26-27)**
- LB 160** (Schumacher) Provide for electronic signatures on recall, initiative, and referendum petitions  
**Held in Committee (Pages 39-40)**
- LB 167** (McCoy) Change balloting and vacancy provisions for presidential electors  
**General File (Page 27)**
- LB 180** (Adams) Provide for the waiver of education-related fees for dependents of veterans  
**Enacted (Page 16)**
- LB 183** (Karpisek) Provide for county board appointment of election commissioners  
**Held in Committee (Pages 40-41)**
- LB 188** (Karpisek) Require legislative approval of gubernatorially appointed election commissioners  
**General File (Pages 27-28)**
- LB 192** (Karpisek) Change provisions relating to requests for information by the Auditor of Public Accounts  
**Enacted (Page 16)**
- LB 206** (Schumacher) Require secret-ballot envelopes for mailed ballots  
**Held in Committee (Page 41)**
- LB 215** (Schilz) Change provisions relating to the use of the County Visitors Promotion Fund  
**General File (Page 28)**
- LB 217** (Avery) Change constitutional officers' salaries  
**Held in Committee (Pages 41-42)**
- LB 219** (Avery) Change petition requirements for general election ballot  
**General File (Page 28)**
- LB 222** (McCoy) Change provisions regarding certain reports submitted electronically to the Legislature  
**Enacted (Pages 16-17)**
- LB 224** (Janssen) Provide a preference for awarding state contracts to resident disabled veterans and certain businesses  
**Enacted (Pages 17-18)**
- LB 235** (Howard) Change precinct size requirements and procedures for drawing political subdivision boundaries and changing polling places and provide for election advisory committees

**Indefinitely Postponed (Page 47)**

- LB 241** (Sullivan) Authorize voters to change election of county offices from partisan to nonpartisan  
**Held in Committee (Page 42)**
- LB 257** (McCoy) Change provisions relating to creation of municipal counties  
**Held in Committee (Pages 42-43)**
- LB 271** (Lautenbaugh) Change provisions relating to early voting  
**Enacted (Page 18)**
- LB 278** (Pirsch) Change provisions relating to fees charged by the Secretary of State  
**General File (Pages 28-29)**
- LB 292** (Karpisek) Change population restrictions for conducting elections by mail  
**Held in Committee (Page 43)**
- LB 294** (Seiler) Change provisions relating to use of public resources by public officials and public employees  
**Held in Committee (Page 43)**
- LB 299** (Seiler) Require the Secretary of State to develop and publish guidelines for election workers and change political subdivision election provisions  
**Enacted (Pages 18-19)**  
*Portions/Provisions of LB 417 were amended into LB 299.*
- LB 303** (Wallman) Change registration requirements for land surveyor  
**Enacted (Page 19)**
- LB 311** (Scheer) Change filing requirements for official bonds and oaths  
**Enacted (Page 19)**
- LB 349** (Murante) Change ballot status and write-in provisions for presidential and vice-presidential candidates  
**Enacted (Page 20)**
- LB 363** (Avery) Change provisions relating to access to public records  
**Enacted (Pages 20-21)**
- LB 364** (Avery) Permit government bodies to set limits on certain contracts  
**General File (Page 29)**
- LB 371** (Mello) Adopt the Transparency in Government Procurement Act  
**General File (Pages 29-30)**

- LB 372** (Mello) Adopt the Buy Nebraska Act and eliminate provisions relating to resident bidder preferences  
**Indefinitely Postponed (Pages 47-48)**
- LB 381** (Janssen) Require photographic identification to vote  
**Held in Committee (Pages 43-44)**
- LB 382** (Janssen) Change presidential elector selection and voting requirements  
**General File (Pages 30-31)**
- LB 417** (Kolowski) Provide for guidelines for election workers  
**General File (Page 31)**  
*Portions/Provisions of LB 417 were amended into LB 299.*  
*Bill was indefinitely postponed on motion of Speaker on last day of session.*
- LB 418** (Kolowski) Change power and duties of election commissioners, chief deputy election commissioners and county boards  
**Indefinitely Postponed (Page 48)**
- LB 429** (Crawford) Require disclosure of state contracts  
**Enacted (Pages 21-23)**
- LB 433** (Price) Require a report and change administration procedures for ballots at hospitals and nursing homes  
**General File (Page 31)**
- LB 434** (Price) Provide for emergency management registries for persons with special needs  
**Enacted (Page 23)**
- LB 448** (Avery) Prohibit contributions by lobbyists to candidates or members of the Legislature during legislative session  
**Held in Committee (Page 44)**
- LB 449** (Avery) Redefine high elective office for restrictions on multiple office holding  
**General File (Pages 31-32)**
- LB 450** (Avery) Change political party convention and caucus provisions  
**Held in Committee (Pages 44-45)**
- LB 504** (Coash) Change Commission on Indian Affairs state assistance for political subdivisions provisions  
**General File (Page 32)**  
*Portions/Provisions of LB 504 were amended into LB 199.*  
*Bill was indefinitely postponed on motion of Speaker on last day of session.*
- LB 509** (Murante) Change election of learning community coordinating council  
**Held in Committee (Page 45)**

- LB 510** (Scheer) Change Open Meeting Act telephone conference call provisions and authorization for videoconferencing and teleconferencing  
**Enacted (Page 23)**
- LB 515** (Carlson) Change provisions relating to irrigation district elections  
**Held in Committee (Pages 45-46)**
- LB 521** (Christensen) Require cities and villages and other public bodies that maintain web sites to publish ordinances and other information as prescribed  
**Held in Committee (Page 46)**
- LB 525** (Haar) Change deadlines under the Election Act  
**Indefinitely Postponed (Page 48)**
- LB 534** (Avery) Change provisions relating to the Auditor of Public Accounts and the Legislative Performance Audit Section  
**General File (Pages 33)**
- LB 563** (Krist) Change provisions relating to contracts for services  
**Enacted (Page 23)**
- LB 565** (Nelson) Prohibit registering to vote and voting early on the same day  
**General File (Pages 33-34)**
- LB 576** (Harr) Require flagging of area near polling places and change restrictions on electioneering  
**Indefinitely Postponed (Pages 48-49)**
- LB 588** (Watermeier) Change veteran employment preference provisions and name the act  
**General File (Pages 34-36)**
- LB 603** (Chambers) Include affirmation as an alternative when an oath is required  
**General File (Page 36)**
- LB 632** (Bolz) Change funding for county offices relating to public assistance programs  
**Held in Committee (Page 46)**
- LB 637** (Wallman) Require an economic analysis of rules and regulations proposed by the Department of Environmental Quality  
**General File (Pages 36-37)**
- LB 646** (Murante) Change election provisions for public power districts  
**Enacted (Pages 24-25)**
- LR 12CA** (Harms) Constitutional amendment to authorize a county manager form of county government

**Held in Committee (Page 50)**

**LR 23** (Avery) Memorialize Congress to support a constitutional amendment responding to the U.S. Supreme Court decision in Citizens United v. Federal Election Commission

**Held in Committee (Page 50)**

**LR 38** (Avery) Endorse Taiwan's participation in the International Civil Aviation Organization as an observer and support efforts to grant Taiwan official observer status at the United National Framework Convention on Climate Change

**Advanced for Further Consideration (Page 50)**

**BILL SUMMARIES: BILLS ENACTED**

**LB 40 (Harms) Update references to Government Auditing Standards**

LB 40 changes the Legislative Performance Audit Committee and Auditor of Public Account statutes to update the Government Auditing Standards to the 2011 revision. Currently in law, the 2007 revision is used.

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**LB 78 (Avery) Eliminate an authority, a board, and certain committees and commissions**

LB 78 eliminates the following boards and commissions:

- Affirmative Action Committee
- State Airline Authority
- Athletic Advisory Committee
- Livestock Auction Market Board
- Private Postsecondary Career Schools Advisory Council
- Riparian Vegetation Management Task Force, and
- Rural Development Commission.

The committee amendment removes the Private Postsecondary Career Schools Advisory Council and the Riparian Vegetation Management Task Force from the bill. In other words, these two entities will not be eliminated under the committee amendment.

The Economic Development Commission is added to the bill, meaning this Commission will be eliminated from statute.

In summary, the committee amendment eliminates the following boards and commissions:

- Affirmative Action Committee
- State Airline Authority
- Athletic Advisory Committee
- Livestock Auction Market Board
- Rural Development Commission

**LB 79 (Avery) Change political accountability and disclosure provisions and repeal campaign finance laws**

LB 79 has three main components. The **first component** is to repeal the Campaign Finance Limitation Act which was declared unconstitutional by the Nebraska Supreme Court.

The **second component** changes the thresholds for reporting various contributions and expenditures.

Here are the specifics of how the bill changes contribution and expenditure reporting thresholds:

Committee campaign statements will include the name of each person that contributed \$100 or more. The current standard is more than \$250. Also, the campaign statement will include the name of each person to whom expenditures totaling \$100 or more were made. The current threshold is more than \$250.

Similar language is added for political party committees. The name of each person contributing \$100 or more will be listed on the political party committee campaign statement. The current threshold is more than \$250.

A committee will provide the name of the lender who is liable on each loan of \$100 or more. The current language is more than \$250.

Independent expenditures will be reported when \$100 or more is spent. The current amount is more than \$250.

Corporations, labor organizations, or industry or trade associations that make contributions or expenditures with a value of \$100 or more will file a report with the commission. The current reporting threshold is more than \$250. The name of each person making an out-of-state contribution of \$100 or more will be disclosed. The current disclosure is contributions of more than \$250.

The definition of late contribution is changed from \$1000 to \$500 or more. Under current law, a late contribution is defined as a contribution received after the closing date for campaign statements and it must be reported to the commission within two days after it is received.

The bill also changes the definition of late independent expenditure from \$1000 to \$500. Current law defines late independent expenditure as one made after the closing date for campaign statements and it must be reported to the commission within 2 days.

The **third component** of the bill is to require all filings with the commission to be electronic as of January 1, 2016. The commission will develop, implement, and maintain an electronic filing system for campaign statements and other reports required to be filed with the commission and will make such statements and reports available on its web site as soon as practicable.

The bill has several other provisions including requiring each committee to submit to the Accountability and Disclosure Commission periodic account statements from the financial institution designated as having the official depository of all contributions for that committee.

The bill also adds limited liability company or partnership to the list of entities that must establish a separate segregated political fund in order to receive contributions.

Campaign statements and other reports required to be filed with the commission will be filed at or before 5 p.m. Central Time on the due date.

Finally, the State Treasurer will transfer any money in the Campaign Finance Limitation Cash Fund to the Nebraska Accountability and Disclosure Commission Cash Fund to be used for development, implementation, and maintenance of an electronic filing system for campaign statements and other reports. This section includes an emergency clause.

The committee amendment strikes the original sections of the bill and replaces them with the following provisions:

Like the original bill, the committee amendment repeals the Campaign Finance Limitation Act.

The committee amendment requires the Nebraska Accountability and Disclosure Commission to develop, implement, and maintain an electronic filing system for campaign statements and other reports required to be filed with the commission and will make such statements and reports available on its web site as soon as practicable.

The amendment provides that any money in the Campaign Finance Limitation Cash Fund be transferred to the Nebraska Accountability and Disclosure Commission Cash Fund to be used for development, implementation, and maintenance of an electronic filing system for campaign statements and other reports. This provision is the same as the original bill.

The amendment also adds limited liability company or partnership to the list of entities that must establish a separate segregated political fund in order to receive contributions. Again, this provision is similar to what is included in the original bill.

The committee amendment removes several provisions from the original bill.

It eliminates all language lowering the thresholds for contributions, expenditures, independent expenditures and late contributions.

The committee amendment also eliminates the language requiring all filings with the commission to be electronic as of January 1, 2016 including the requirement that campaign statements and other reports filed with the commission be filed at or before 5 p.m. Central Time on the due date.

Finally, the amendment eliminates the requirement that each committee submit to the commission periodic account statements from the financial institution designated as having the official depository of all contributions for that committee.

The bill was further amended on General File to clarify the amount of funds needed to be transferred from the CFLA Cash Fund to the Accountability and Disclosure Cash Fund.

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**LB 125 (Lautenbaugh) Change provisions relating to boards of education of Class V school districts**

LB 125 reduces the Class V board of education from twelve to nine members.

The election for members of the Class V board of education will be held on the same date as the Omaha city council elections. The general election for Omaha city council members are held on the first Tuesday after the second Monday in May. The next election will be held in 2013.

The term of office for each member currently serving on the board expires on the fourth Monday after the election in 2013.

Any eligible voter may file a candidate filing form on or before March 1, 2013 for placement of his name on the nonpartisan ballot for the school board election. At the 2013 election, members representing odd-numbered districts will be elected to four year terms and members representing even-numbered districts will serve two year terms. Thereafter, members will be elected to serve four year terms.

The bill also provides that no person will be eligible to serve as a member of the board of education of a Class V school district for four years next after the expiration of two consecutive terms regardless of the district represented.

The Legislature will divide the school district into nine numbered districts of compact and contiguous territory and of as nearly equal population as may be practical. The Legislature adopts the official population figures and maps from the 2010 Census Redistricting TIGER/Line Shapefiles. The numbers and boundaries of the districts will be designated and established by maps identified and labeled by this committee. The maps will be filed with the election commissioner and the Secretary of State and incorporated by reference as part of this legislative bill. After the next decennial census, the election commissioner of the county in which the greater part of the Class V school district will divide the school district.

The vacancy provisions for Class V school district board members is also changed. With this bill, a vacancy will be filled by appointment for the remainder of the unexpired term.

The bill eliminates the nonvoting student member from the board of Class V school districts.

The committee amendment strikes the original sections of the bill and replaces it with the following provisions:

Like the original bill, the committee amendment reduces the Class V board of education from twelve to nine members.

The election for members of the Class V board of education will be held on the same date as the Omaha city council elections and will occur every four years.

The primary election is held on the first Tuesday of April preceding the date of the general city election. The general election is held on the first Tuesday after the second Monday in May. The next election will be held in 2013.

Class V board of education members will serve four year terms.

The term of office for each member currently serving on the board expires on the fourth Monday after the election in 2013.

The Legislature will divide the school district into nine numbered districts of compact and contiguous territory and of as nearly equal population as may be practical. The Legislature adopts the official population figures and maps from the 2010 Census Redistricting TIGER/Line Shapefiles. The numbers and boundaries of the districts will be designated and established by a map identified and labeled as OPS13-001.

The map will be filed with the election commissioner and the Secretary of State and incorporated by reference as part of this legislative bill. After the next decennial census, the election commissioner of the county in which the greater part of the Class V school district will divide the school district.

The vacancy provisions for Class V school district board members are also changed. With this amendment, a vacancy will be filled by appointment for the remainder of the unexpired term.

The amendment eliminates the nonvoting student member from the board of Class V school districts.

The amendment includes an emergency clause.

The bill was further amended on General and Select File. The amendments included changing the filing deadline for Class V school board members for the 2013 election to March 1. Also, Class V school board members after the 2013 election will be nominated and elected at the statewide primary and general election.

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**LB 137 (Avery) Establish state fleet card programs**

LB 137 creates state fleet card programs. The programs will be administered separately by the University of Nebraska and by the Department of Roads. The Department of Roads will administer the program on behalf of state government, other than the University of Nebraska. Any state official, agency, board or commission may use the state fleet card for and on behalf of the State of Nebraska. Any political subdivision may utilize a fleet card for the lawful purposes of the political subdivision.

Rules and regulations may be adopted and promulgated as needed by the Department of Roads and the University of Nebraska for the operation of the state fleet card programs.

The State Treasurer will determine the type of fleet card or cards utilized in the program as well as contract with financial institutions capable of operating a fleet card program on behalf of the state.

The bill defines fleet card as a payment card used for gasoline, diesel and other fuels. The cards may also be used to pay for vehicle and equipment maintenance and expenses.

Vendors accepting a state fleet card will obtain authorization for all transactions in accordance with instructions from the program administrator.

The bill also outlines what detailed transaction information is needed for tracking expenditures, including fleet card identification, merchant name, transaction number, date, time, produce, quantity, and cost. No officer or employee of the state or political subdivision will use the card for any unauthorized use.

The State Fleet Card Distributive Fund is created. All rebates received by the state from the program will be credited to the fund. The rebates will be distributed by the State Treasurer to the state agencies and political subdivisions based on volume spent and contract terms.

The bill was further amended on Select File to require all rebates from state agencies to be deposited into the General Fund. Rebates earned by political subdivisions will be disbursed to them based on the amount of usage.

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**LB 140 (Krist) Change provisions of the Airport Zoning Act**

LB 140 amends the provisions in the Airport Zoning Act.

Several definitions in the Act are amended or added, including the definitions of airport, airport hazard, airport layout plan, approach zone, electrical facility, existing

runway, instrument runway, operation zone, proposed runway, runway, transition zone, turning zone's outer limit, and visual runway.

The bill also provides that the authority of a political subdivision to adopt airport zoning regulations will not be conditional upon prior adoption of a comprehensive development plan or a comprehensive zoning ordinance. Currently, political subdivisions that have adopted a comprehensive plan and zoning regulations are required to adopt airport zoning regulations if they have an airport hazard in their zoning jurisdiction.

Any airport zoning regulation adopted by a joint airport zoning board will be filed with the administrative agency responsible for the enforcement of zoning regulations in each political subdivision represented on the joint airport zoning board.

If an airport layout plan has been submitted for approval to the Federal Aviation Administration with a proposed instrument runway and the plan is approved without the proposed instrument runway, the political subdivision will adopt or revise the airport zoning regulations to protect any approach zone for a visual runway only.

Any electrical facility that has not been constructed but has received, prior to August 1, 2013, zoning approval over an electric facility and a permit, may be constructed and will be considered an existing structure. An electrical facility made nonconforming by the adoption of airport zoning regulations may, without a permit or approval, repair or replace the facility if the height is not increased over existing height. If the construction or repair will increase the height, a permit will be required. Under current law, persons aggrieved by the Airport Zoning Act may appeal to the board of adjustment. LB 140 outlines the procedure for the appeal.

The committee amendment makes several changes to the original bill.

The amendment redefines airport hazard to include any structure or tree or use of land that penetrates any approach, operation, transition or turning zone.

The amendment allows a political subdivision or a joint airport zoning board to include modifications or exceptions to the airport zoning regulations adopted under the Airport Zoning Act that the political subdivision or joint airport zoning board deems appropriate. These modifications will not be considered a conflict under section 3-306. Section 3-306 deals with conflicts between any airport zoning regulations and any other regulations applicable to the same area. It provides that the more stringent limitation or requirement will govern.

Any structure that has not yet been constructed but has received zoning approval from the political subdivision exercising zoning jurisdiction over the structure will be considered an existing structure.

A permit for a nonconforming structure to be replaced, altered or repaired will be granted if the applicant shows that the replacement, alteration or repair of the structure will not result in an increase in height or a greater hazard to air

navigation than the condition that existed when the applicable regulation was adopted. For nonconforming structures other than electric facilities, no permit is required for “Acts of God.”

If an applicant demonstrates that the proposed structure or alteration does not require any modification or revision to any approach or approach procedure as approved or written by the Federal Aviation Authority on either an existing or proposed runway and the applicant provides signed documentation from the FAA that the proposed structure or alteration will not require any modification or revision of any airport minimums, such documentation may constitute evidence of undue hardship and the board of adjustment may grant the requested variance without such findings.

Finally, the amendment requires the board of adjustment to fix a reasonable time for the hearing of appeals, give due notice to the parties in interest, and decide the appeal within 60 days after the filing of the appeal.

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**LB 180 (Adams) Provide for the waiver of education-related fees for dependents of veterans**

Currently, the University of Nebraska, the state colleges, and the community colleges waive the cost of tuition for a dependent of a veteran. LB 180 requires these colleges and universities to also waive all fees remaining due after subtracting awarded federal financial aid grants and state scholarships and grants for dependents of a veteran.

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**LB 192 (Karpisek) Change provisions relating to requests for information by the Auditor of Public Accounts**

LB 192 requires the Auditor of Public Accounts to request information from each governing body regarding trade names, corporate names, or other business names under which the governing body operates. The current law already requires governing bodies to report to the auditor agreements the governing body is a party to under the Interlocal Cooperation Act and the Joint Public Agency Act.

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**LB 222 (McCoy) Change provisions regarding certain reports submitted electronically to the Legislature**

LB 222 changes provisions relating to the electronic filing of reports with the Legislature and legislative committees.

Some sections of the bill add a new requirement that reports be filed electronically with the Legislature.

Some sections eliminate the requirement that the report be filed electronically and some sections eliminate the requirement to file the report with the Legislature at all.

The committee amendment made several changes. In several sections in the original bill, the requirement that an entity report to the Legislature was eliminated but the requirement to report to the Governor was maintained.

With the committee amendment, the reporting requirement is eliminated for both the Legislature and the Governor. They include:

- a report from the Department of Roads on the Nebraska Public Transportation Act;
- a report from the Nebraska Ethanol Board;
- a report from the State Department of Education covering the actions of the State Board of Education;
- a report from the State Department of Education and the Department of Health and Human Services on the Nebraska Read, Educate, and Develop Youth Act;
- a report from the Affirmative Action officer;
- a report from the Nebraska Commission on Law Enforcement and Criminal Justice on the continuation of funding for victim and witness assistance centers;
- a report by the Department of Health and Human Services required under the Nebraska Community Aging Services Act; and
- a report from each assistant director of the Department of Correctional Services.

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**LB 224 (Janssen) Provide a preference for awarding state contracts to resident disabled veterans and certain businesses**

LB 224 amends the resident bidder preference statute to provide that a resident disabled veteran will be allowed a preference over any other resident or nonresident bidder.

Current law provides that when a public contract is to be awarded to the lowest responsible bidder, a resident bidder is allowed a preference over a nonresident bidder from a state that gives a preference to bidders from that state.

Under the bill, resident disabled veteran means a person who resides in Nebraska, who served in the US Armed Forces, who was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions), and who possesses a

disability rating letter issued by the US Department of Veterans Affairs establishing a service-connected disability or a disability determination.

The committee amendment contains two provisions.

First, the amendment provides that a resident disabled veteran is allowed a preference over any other resident or nonresident bidder if all other factors are equal.

The second provision changes the definition of resident disabled veteran. The amendment provides that a resident disabled veteran is someone who owns and controls a business not less than 51% of which is owned by one or more resident disabled veterans or, in the case of a publicly owned business, not less than 51% of the stock is owned by resident disabled veterans. Further, the management and daily business operations must be controlled by one or more resident disabled veterans.

The bill was amended on Select File to allow businesses located in a designated enterprise zone under the Enterprise Zone Act to be allowed a preference. The amendments also limited the preference to state contracts. Finally, the language requiring a resident disabled veteran to own a majority of a business was amended.

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**LB 271 (Lautenbaugh) Change provisions relating to early voting**

LB 271 changes the time period for in-person early voting. With the bill, any registered voter may appear in person before the election commissioner or county clerk not more than 25 days prior to the day of the election and obtain his or her ballot.

Current law provides that ballots for early voting will be ready at least 35 days prior to the election, which applies to both in-person and mail-in ballots.

The bill was amended on General File to allow for in-person early voting not more than 30 days prior to the day of the election.

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**LB 299 (Seiler) Require the Secretary of State to develop and publish guidelines for election workers and change political subdivision election provisions**

Any city not under home rule charter, village, county or school district nominating and electing members of its board at large may either by vote of the governing body or by petition of registered voters submit at a general election the question of nominating and electing members by district or ward.

Any city not under home rule charter, village, county not having more than 300,000 inhabitants or school district nominating or electing members of its board by district

or ward may by vote of the governing body or by petition of registered voters submit at a general election the question of nominating and electing members at large.

Any city of the first class, except a city with the commissioner or city manager plan of government, nominating and electing members of its board by ward may by ordinance of the governing body or by petition of registered voters submit at the general election the question of nominating and electing some of its members by ward and some at large. No more than four members of the city council may be elected on an at-large basis and at least four members will be elected by ward. If four at-large members are to be elected, the two candidates receiving the highest number of votes will be elected to service four year terms and the other elected members will serve two-year terms.

***Portions/Provisions of LB 417 were amended into LB 299.***

LB 417 requires the Secretary of State to develop and publish guidelines for election workers. The guidelines will provide for the conduct of election workers with regards to the conduct of elections on election day.

The guidelines will take into account variations in counties with regards to election workers in counties with election commissioners and counties without election commissioners.

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**LB 303 (Wallman) Change registration requirements for land surveyors**

LB 303 makes changes to the registration requirements for land surveyors.

Current law requires that the applications for registration be filed at least 90 days prior to the examination with the secretary of the land surveyors examining board. LB 303 removes the requirement it be filed 90 days prior to the examination.

The bill also eliminates the requirement that the examinations are written..

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**LB 311 (Scheer) Change filing requirements for official bonds and oaths**

Current law requires all officers elected at any general election to file an official bond, with their oath, in the proper office not later than 10 days before the first Thursday after the first Tuesday in January next succeeding the election.

LB 311 provides that county officers are not required to comply with these timing requirements with their official bond if the county provides a schedule, position, or blanket bond covering all county officers. The county officers will file their oaths of office in the proper office prior to the beginning of their term of office. Also, language is added that official bonds will be filed of all officers elected at any general election following receipt of their election certificate.

The bill also provides that the filing of the bond with the oath does not authorize a person to take any official action prior to the beginning of his or her term of office.

Finally, the bill exempts county officers whose county provides a schedule, position or blanket bond covering the county officers from the statute outlining the process for when an elected official fails to file a bond as provided by law.

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**LB 349 (Murante) Change ballot status and write-in provisions for presidential and vice-presidential candidates**

LB 349 provides that any person engaged in a write-in campaign for President of the United States will file with the Secretary of State an affidavit of his or her intent together with an application with the name of the person pursuing the write-in campaign, the written consent of the vice-presidential candidate, and the names and addresses of the persons who will represent the applicant as presidential electors.

The bill also changes the provisions for candidates for President and Vice President of newly established parties. With the bill, the candidates will file an application with the names to be printed on the ballot, the name of the political party, written consent of the vice-presidential candidate and the names and addresses of the persons who will represent the applicant as presidential electors. The requirement that these candidates file a petition is eliminated.

For Presidential and Vice-Presidential candidates of a nonpartisan status, they are required to file an application containing the names to be printed on the ballot, the status of the candidacy as nonpartisan, written consent of the vice-presidential candidate and the names and addresses of the persons who will represent the applicant as presidential electors. These candidates will also be required to file a petition signed by not less than 2500 registered voters. This is currently required under law for nonpartisan candidates.

The petitions will be filed with the Secretary of State by August 1 in the year of the presidential general election. The bill eliminates the language that made registered voters who voted in the primary election of any political party ineligible to sign the petitions of any other candidate for President.

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**LB 363 (Avery) Change provisions relating to access to public records**

LB 363 contains several provisions dealing with the issue of the costs of public records.

The bill clarifies that a public entity may charge a fee for making copies but the fee cannot exceed the amount of the reasonably calculated actual added cost

which may include the cost of supplies such as paper, toner, and equipment. The cost may also include additional payments for contractors to complete the request, including computer services.

The actual added cost used to calculate the fee for records will not include any charge for the existing salary of officers or employees with respect to the first 6 hours of searching, identifying, or copying the records. A special service charge reflecting labor cost may be included for time required beyond the 6 hours.

The fee for records will not include any charge by the public entity to review the records seeking a legal basis to withhold the public records.

The requester will have 10 days to review the estimated costs of the requests, to negotiate with the custodian to narrow the request or to withdraw the request. If the requester does not respond in 10 days, the public entity will not fulfill the request.

The bill also provides that if a public record is available on the public entity's website, the custodian does not need to provide the copy but will provide the location of the record on the website. If the requester doesn't have access to the website, the custodian will produce the copies.

Currently in law, a public entity has four business days to respond to a request for a public record. This bill clarifies that the four business days will be computed by excluding the day the request is received. Business day does not include Saturday, Sunday or a day that the office is closed.

Finally, the Attorney General may review whether the fees estimated or charged by the custodian are actual added costs or special service charges.

The committee amendment makes two clarifying changes to the original bill.

First, the amendment provides that the actual added cost used as the bases for the calculation of the fee for records will not include any charge for staff to physically redact information for the first six hours. In other words, staff time to physically redact information from records will be allowed to be charged after the first 6 hours.

The second change provides that the fee for records will not include any charge for the services of an attorney to review the requested public records seeking a legal basis to withhold the public records. This is a narrowing from the original bill which prohibited the custodian or any officer, employee or contractor of the office to charge for reviewing the public records seeking a legal basis to withhold them. With the amendment, only services of attorneys are prohibited from being charged for this purpose even after six hours of time.

The bill was amended on Select File to allow staff time to be charged after four hours of work on the public records request.

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**LB 429 (Crawford) Require disclosure of state contracts**

Under current law, the State Treasurer is required under the Taxpayer Transparency Act to develop and maintain a website providing information to document the sources of all tax receipts and the expenditure of state funds by all state agencies.

LB 429 requires this web site to include a link to the web site of the Department of Administrative Services, upon which will be published a copy of each contract or subcontract that is a bases for an expenditure of state funds. All agencies of the state will provide to the Department of Administrative Services copies of such contracts in electronic form.

The Department will publish the contracts and subcontracts on their web site in a format that is searchable by vendor, agency, and dollar amount.

The committee amendment strikes the original sections of the bill and replaces them with the following provisions:

The amendment requires, beginning July 1, 2014, that the State Treasurer's web site required under the Taxpayer Transparency Act will include a link to the web site of the Department of Administrative Services (DAS).

The Department of Administrative Services' website will include a data base that includes a copy of each active contract that is a basis for a state expenditure, including any amendment to such contract.

The amendment only requires contracts to be included in the data base and all references to subcontracts are removed.

All agencies and departments of the state will provide to DAS in electronic form, copies of the contracts beginning with contracts that are active on and after January 1, 2014.

DAS will also have a data base that includes copies of all expired contracts that were previously included in the data base referred to above.

The amendment also allows agencies to redact certain information in the contracts such as: a social security number or federal identification number; protected health information; information that may be withheld under the public records laws; or any information that is confidential under state or federal law.

Contracts entered into by the Department of Health and Human Services that are letters of agreement for the purpose of providing specific services to a specifically named individual or his or her family are exempt from the requirement that these contracts be included on the DAS web site.

DAS will adopt policies and procedures regarding the creation and maintenance of the data bases and the process for agencies and departments to provide copies of the contracts.

The bill was amended on Select File to exempt certain contracts from the provisions of this bill including: contracts from the Department of Health and Human Services that are letters of agreement; contracts from the University of Nebraska and state colleges for providing financial services; contracts by the Department of Veterans' Affairs providing aid to a veteran; contracts by the State Energy Office for the Dollar and Energy Savings Loan program; and contracts of employment of any state agency.

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**LB 434 (Price) Provide for emergency management registries for persons with special needs**

LB 434 requires the Nebraska Emergency Management Agency to cooperate with other emergency management agencies and public agencies in the development of emergency management registries. These registries will include persons with special needs and the families of such persons for the purpose of planning for assistance of these persons and their families before, during, and after a disaster.

The information obtained by emergency management agencies and other public agencies for these registries will not be considered a public record.

The bill was amended on Select File to provide that participation in the registry is voluntary. All information acquired is confidential and will not be disclosed except to other agencies who need the information. Any person who intentionally discloses the information will be guilty of a Class III misdemeanor.

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**LB 510 (Scheer) Change Open Meeting Act telephone conference call provisions and authorization for videoconferencing and teleconferencing**

LB 510 adds the Educational Service Unit Coordination Council to the list of public entities which can hold its public meetings by videoconferencing and telephone conference.

The bill also increases the length permitted for telephone conference calls to no more than two hours. Currently, public entities can only hold telephone conferencing calls that last no more than one hour.

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**LB 563 (Krist) Change provisions relating to contracts for services**

LB 563 prohibits a state agency from entering into a new proposed contract for services in excess of \$15 million dollars until the state agency has submitted a copy of the proposed contract and a proof-of-need analysis. Current law requires all contracts, not just new contracts, over \$15 million dollars to submit a copy of the contract and complete the proof-of-need analysis.

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**LB 646 (Murante) Change election provisions for public power districts**

LB 646 exempts the board of directors of power districts with a service area containing a city of the metropolitan class from being allowed to petition for its creation to provide for the division of the territory of such district into two or more subdivisions for the nomination and election of some or all of the districts. It also exempts the power district containing a city of the metropolitan class from being able to combine subdivisions and members of the board being elected from the combined subdivisions at large.

At the first election after January 1, 2014, in which members are elected by election subdivision, the members from districts 1, 3, and 5 will be elected for initial terms of four years and the members of the remaining election subdivisions will be elected to terms of six years. Thereafter, all members will be elected to terms of six years.

The committee amendment strikes all of the original sections of the bill and replaces it with the following provisions:

By December 1, 2013, the board of directors of a public power district with a service area containing a city of the metropolitan class will divide the district into 8 election subdivisions.

The boundaries of the existing election subdivisions in which one member resides will be preserved.

The board of directors will divide the remaining existing subdivision in which more than one member resides into the same number of election subdivisions as there are members residing in such subdivisions.

All of the subdivisions will be composed of substantially equal population and compact and contiguous territory.

The board will assign each member holding a position on the board of the effective date of this act to represent a numbered election subdivision for the remainder of the term of office for which the member is elected.

The terms of members representing election subdivisions numbered 1, 2, and 3 will expire in January 2015. The terms of members representing subdivisions 4

and 5 will expire in January 2017, and the terms of members representing subdivisions 6, 7, and 8 will expire in January 2019.

After each federal decennial census, the board of directors will create new boundaries for the eight election subdivisions. The board will follow county lines wherever practicable and the subdivisions will be composed of substantially equal population and compact and contiguous.

The bill was further amended on Select File. The amendment allows OPPD to amend its charter to divide the district into election subdivisions but does not require it. If the board decides to divide the district into eight election subdivisions prior to January 1, 2014, the amendment outlines how that is accomplished.

## BILL SUMMARIES: BILLS ON GENERAL FILE

### **LB 56 (Larson) Provide for automatic nomination of certain county officers**

LB 56 adds county officers to the list of candidates whose names do not appear on the primary election ballot and are automatically nominated as candidates for the general election. This “automatic advancement” occurs if there are not more than two candidates for each position to be filled.

The committee amendment clarifies how automatic advancement will work for county officials.

If the number of candidates properly filed for the nomination of a political party at the primary election for any county officer does not exceed the number of candidates to be nominated by that party for that office, any such properly filed candidate will be declared nominated and their names will not appear on the primary election ballots.

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### **LB 98 (Mello) Change provisions relating to administrative rules**

LB 98 amends the Administrative Procedures Act to prohibit any agency from utilizing, enforcing or attempting to enforce any rule or regulation or proposed rule or regulation unless the rule or regulation has been approved by the Governor and filed with the Secretary of State after a public hearing.

The bill also allows the Public Counsel, otherwise known as the Legislative Ombudsman, to investigate allegations of an administrative agency utilizing or enforcing a rule or regulation before it has been approved by the Governor and filed with the Secretary of State after a public hearing.

The Public Counsel will report his or her determination in writing to the Governor, Secretary of State, Attorney General, the Executive Board of the Legislative Council, and the director or chief executive officer of the agency.

Finally, the bill allows a court to award reasonable attorney's fees and court costs to the party who successfully challenged the rule or regulation when the rule or regulation is declared invalid because it was adopted without compliance with the statutes.

The committee amendment removes the provision allowing a court to award reasonable attorney's fees and court costs to the party who successfully challenged the rule or regulation when the rule or regulation is declared invalid.

***Portions/Provisions of LB 98 were amended into LB 242. This bill was indefinitely postponed by the Speaker at the end of session.***

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**LB 144 (Brasch) Provide for write-in candidacy by defeated candidate**

LB 144 allows a candidate for a county, city, village or school district office who lost in the primary as a result of a determination pursuant to section 32-1122 to be eligible as a write-in candidate for the same office. Section 32-1122 provides that if a recount after a primary election results in a tie, the canvassing board will decide by lot which person is nominated.

Current law does not allow a person who lost in the primary to run in the general election for the same office, including write-in candidacy, filing by petition, or filing a nomination. A person defeated in the primary may run in the general if there is a vacancy on the ballot for that office.

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**LB 167 (McCoy) Change balloting and vacancy provisions for presidential electors**

LB 167 changes balloting and vacancy provisions for presidential electors.

With the bill, presidential electors will execute a pledge agreeing to mark their ballots for President and Vice President of the party that selected them.

Each presidential elector will present the completed ballot to the Secretary of State who will examine each ballot and accept as cast each ballot marked by a presidential elector consistent with his or her pledge. The Secretary of State will not accept a ballot if a presidential elector marked the ballot in violation of his or her pledge or did not mark the ballot.

A presidential elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of his or her pledge vacates the office of presidential ballot. This creates a vacancy which the Governor will fill.

The committee amendment clarifies language in the pledge of each presidential elector.

With the amendment, the electors will pledge to mark their ballots for President and Vice President for the presidential and vice-presidential candidates who received the highest number of votes in the state if they are an at-large candidate or the highest number of votes in their congressional district if they are a congressional district presidential elector.

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**LB 188 (Karpisek) Require legislative approval of gubernatorially appointed election commissioners**

LB 188 requires election commissioners appointed by the Governor be approved by a majority of the members of the Legislature. Currently, there is no legislative approval required, the Governor simply appoints.

In the event of a vacancy, the Governor will appoint a new election commissioner with the approval of the Legislature. If the Legislature is not in session, any appointment will be temporary until the next session of the Legislature, at which time the Legislature may approve or disapprove the appointment.

The committee amendment adds an operative date of January 1, 2015.

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**LB 215 (Schilz) Change provisions relating to the use of the County Visitors Promotion Fund**

LB 215 requires the governing body of the county to use the County Visitors Improvement Fund to promote, encourage, and attract visitors to the county if it is determined the visitor attractions in the county do not require improvement. Currently in law, a governing body **may** use these funds to promote attractions if the visitor attractions in the county do not require improvement.

The committee amendment changes the word “shall” to “only.” With the change, the amendment provides that if the visitors committee determines that the visitor attractions in the county are adequate, the governing body of the county **may only** use the County Visitors Improvement Fund to promote, encourage, and attract visitors to the county.

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**LB 219 (Avery) Change petition requirements for general election ballot**

LB 219 eliminates language that requires registered voters, in order to be eligible to petition on to the general election ballot, to be registered to vote with a party affiliation on or before March 1 in the calendar year of the general election.

The committee amendment strikes the original sections of the bill and replaces them with the following provisions:

With the amendment, any registered voter who was not a candidate in the primary election and who was not registered to vote with a party affiliation on or after March 1 and before the general election in the calendar year of the general election, may have his or her name placed on the general election ballot for a partisan race by petition or nomination by political party.

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**LB 278 (Pirsch) Change provisions relating to fees charged by the Secretary of State**

LB 278 makes changes to fees charged by the Secretary of State.

Under current law, a fee of forty-five cents is paid to the Secretary of State for images of records accessed over the Internet, not to exceed \$2000 per request for batch requests. LB 278 eliminates the language that the fee is not to exceed \$2000 per request for batch requests.

Also, a fee of \$800 is charged for monthly updates of the image data base regarding corporations of the Uniform Commercial Code.

A fee of \$6.50 is charged for an electronically transmitted certificate indicating whether a business is property registered to do business in the state. Current language uses the word “letter” instead of “certificate.”

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**LB 364 (Avery) Permit government bodies to set limits on certain contracts**

LB 364 allows a government body to prohibit contracts over a specific dollar amount in which a public official or a public employee of such body may have an interest.

Currently, public officials and employees may enter into contracts with their governing body if the contract is valued at less than \$2000. If the contract is awarded through an open and public process, a public employee or official may have a contract valued over \$2000.

This bill would allow a governing body to set a stricter standard for the body's employees and officials when entering into contracts with the body.

The committee amendment limits the scope of the original bill. With the amendment, only metropolitan, primary, and first class cities may prohibit contracts over a specific dollar amount where a public official or public employee of that city may have an interest.

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**LB 371 (Mello) Adopt the Transparency in Government Procurement Act**

LB 371 creates the Transparency in Government Procurement Act. The Legislature declares it will be the policy of this state that each agency will quantify the portion of its procurement spending that is reinvested with taxpayers in this state and the nation.

The bill requires each state agency to create an annual report that includes the following:

the total number and value of contracts awarded by the agency;

the total number and value of contracts and subcontracts awarded to suppliers within the state and to foreign contractors;

the dollar value of any supplies purchased that were manufactured outside of the US and within the state;

the dollar value of any services contracted for that are performed outside the US and within the state;

an itemized list of all waivers of any preference provided for by the state; and

the total procurement value of funds expended on iron, steel, or manufactured goods manufactured outside the US.

The first report will be submitted to the Governor and the Legislature on or before December 31, 2013 and use information from FY2012-13. Subsequent reports will be submitted on or before December 31 and will include information from the immediately preceding year. The bill outlines when a product will be deemed to be manufactured in the US and defines state agency.

Finally, the bill requires that contractors and suppliers provide to the agency any and all information needed for the agency to comply with these provisions.

The amendment strikes the original sections of the bill and replaces them with the following provisions:

Like the original bill, the amendment creates the Transparency in Government Procurement Act. The Act will only apply to contracts awarded by the Department of Administrative Services on and after July 1, 2013.

With the amendment, the Department of Administrative Services (DAS) will create an annual report that includes the total number and value of contracts awarded by the department. The report will also include the total number and value of contracts awarded by DAS within the state and to foreign contractors. Finally, the report will include the number of contracts awarded by the department for which a preference was given.

The amendment eliminates all references to subcontractors and suppliers. With this change, only contracts will be included in the report from DAS.

The report will be submitted to the Governor and the Legislature on or before September 1 of each year. The first report will be submitted on September 1, 2014.

Beginning on July 1, 2013, each contract awarded by DAS will require that the contractors provide the department any and all information needed for compliance with this bill.

LB 382 eliminates the current presidential elector system in Nebraska in which one presidential elector is chosen from each congressional district and two presidential electors are chosen at large. With LB 382, each presidential elector will cast his or her ballot for the presidential candidate who receives the highest number of votes in the state.

In other words, the presidential candidate who receives the highest number of votes in the state will receive all five electoral votes.

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**LB 417 (Kolowski) Provide for guidelines for election workers**

LB 417 requires the Secretary of State to develop and publish guidelines for election workers. The guidelines will provide for the conduct of election workers with regards to the conduct of elections on election day.

The guidelines will take into account variations in counties with regards to election workers in counties with election commissioners and counties without election commissioners.

*Portions/Provisions of LB 417 were amended into LB 299. The bill was indefinitely postponed by the Speaker on the last day of session.*

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**LB 433 (Price) Require a report and change administration procedures for ballots at hospitals and nursing homes**

Under current law, election commissioners or county clerks may train registered voters to administer ballots to residents of nursing homes or hospitals. The ballots must be administered by two registered voters of different political parties.

With LB 433, the election commission or county clerk will adopt procedures and include the procedures in a plan submitted to the Secretary of State. The procedures will be submitted no later than 25 days before the election.

Within 60 days after an election, the election commissioner or county clerk will submit a report to the Secretary of State indicating:

the number of ballots cast at nursing homes or hospitals;

the name and party affiliation of each registered voter administering the ballots;

the name and address of each nursing home or hospital where the ballots were administered; and

any other information requested by the Secretary of State.

**LB 449 (Avery) Redefine high elective office for restrictions on multiple office holding**

LB 449 adds airport authorities, public power districts, natural resources districts, and the metropolitan utilities district to the definition of high elective office.

Current law provides that no person serving in high elective office shall simultaneously serve in any other high elective office. Therefore, under this bill, members of the boards listed above will not be allowed to serve in any other high elective office simultaneously.

Other high elective offices include: members of the legislature, governor, lieutenant governor, secretary of state, auditor of public accounts, state treasurer, attorney general, public service commission, state board of education, University of Nebraska board of regents, county, city, learning community, community college area, or school district elective office.

The bill also provides that anyone serving more than one high elective office on the effective date of this act will be allowed to complete the remainder of all terms for which he or she was elected or appointed.

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**LB 504 (Coash) Change Commission on Indian Affairs state assistance for political subdivisions provisions**

LB 504 changes provisions relating to political subdivisions applying for assistance to the Commission on Indian Affairs.

The bill redefines political subdivision to mean a city, village or county within a 60 mile radius of an Indian reservation or a tribal government that owns land within the 60 mile radius. Current law defines political subdivision as a city, village or county within 30 miles of a census designated place.

The bill eliminates the definition of census designated place. It also eliminates the requirement that the political subdivision's application receive a public hearing.

Finally, the bill adds education to the list of items for which a political subdivision may use the state assistance. Currently, the state assistance may be used for economic development, health care and law enforcement.

The committee amendment makes two changes to the original bill.

First, the amendment expands who is eligible to apply for state assistance to include nonprofit corporations. Secondly, the amendment allows the Commission on Indian Affairs to use the funds in the Designated Collection Fund directly for economic development, education, health care, and law enforcement if no applicants are approved.

*Portions/Provisions of LB 504 were amended into LB 199. The bill was indefinitely postponed by the Speaker on the last day of session.*

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**LB 534 (Avery) Change provisions relating to the Auditor of Public Accounts and the Legislative Performance Audit Section**

LB 534 requires agencies to provide to the Auditor of Public Accounts and the Legislative Performance Audit Section access to any information or records as soon as practicable and without delay, but not more than seven business days after receipt of the written request or provide reasons why the agency is not complying.

If the entire request cannot be fulfilled within seven business days due to difficulty or the extensiveness of the request, a written explanation will be given. No delay due to significant difficulty or extensiveness of the request will exceed three calendar weeks after the receipt of the request unless a longer time period is agreed upon.

Any information requested by the Auditor of Public Accounts or the Legislative Performance Audit Section will be provided without any fees or costs.

The bill also clarifies that the Auditor has access to all records of any public entity required during a financial audit, an attestation engagement or a performance audit of political subdivisions.

Finally, the bill adds language providing that an audit of federal funds will only be conducted when there is a contractual agreement between the auditor and the agency.

The amendment makes two changes to the original bill:

First, the amendment allows the Legislative Performance Audit Section and the Auditor of Public Accounts to petition the Attorney General to determine whether the agency is complying in providing records in a timely manner.

Secondly, the amendment provides that if a public postsecondary educational institution is required to have an A-133 single audit, the institution may request the Auditor to perform the audit or select a private, independent auditor that is a CPA or a firm registered under the Public Accountancy Act.

The amendment also clarifies that the Auditor may only perform the A-133 single audit if requested and a contract for the auditing services has been signed by the auditor and the public entity. This provision is limited to the University, state colleges and community colleges and does not include other entities that may be required to have an A-133 audit performed.

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**LB 565 (Nelson) Prohibit registering to vote and voting early on same day**

LB 565 provides that a person will not be permitted to register to vote and to apply for or vote an early voting ballot on the same day.

The bill also prohibits an election commissioner or county clerk from delivering an application for a ballot to vote early or a ballot, in person or by mail, on the same day on which the applicant registered to vote.

Current law allows that if a person requesting an early ballot is not registered to vote, a registration application will be mailed along with the ballot. The ballot is counted if the registration application and ballot is returned not later than the closing on the polls on election day. This bill eliminates that language.

The committee amendment strikes the original sections of the bill and replaces them with the following provisions:

The amendment provides that if person registers to vote and requests a ballot at the same time, he or she will:

1. present a photographic identification or a copy of a utility bill, bank statement, government check, paycheck, or other government document that is dated within 60 days immediately prior to the date of presentation and shows the name and address of the person;
2. provide a driver's license number or the last four digits of the social security number;
3. present proof he or she is a member or a spouse of a member of the armed forces or Merchant Marines and because of active duty is absent from his or her place of residence, or resides outside of the United States and but for such residence would be qualified to vote in the state;
4. state that he or she is elderly or handicapped and has requested to vote by alternative means; **or**
5. vote a ballot that is placed in an envelope with the voters name and address and other identifying information which will be kept securely for counting.

The deadline for being able to register and vote on the same day in person at the election commissioners or county clerk's office is the same deadline for voter registration.

A ballot cast pursuant to this amendment will not be counted if the acknowledgment of registration sent to the registrant is returned as undeliverable for reason other than clerical error within 10 days after it is mailed. If the acknowledgment of registration is not returned after 10 days, the ballot will be counted.

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**LB 588 (Watermeier) Change veteran employment preference provisions and name the act**

LB 588 creates the Veterans Preference Act.

Under the bill, veterans will be given a preference for initial employment in positions with the state or its governmental subdivisions, if the veteran is competent to perform such services. When a veteran applies for a position, the person who fills the position will, if the applicant is a veteran and competent to perform the duties, consider the veteran for appointment.

Within 30 days of filling a position, veterans who have applied and not hired will be notified that they have not been hired.

A veterans preference is not available for key employees, positions held by a patient, inmate or student or positions that are temporary or casual.

All notices of open positions of employment available for veterans preference and all applications will state that the position is subject to a veterans preference, how the preference works, and how veterans may take advantage of the preference. A veteran desiring to use the preference will provide a copy of the veteran's Defense Department Form 214 which qualifies the veteran for the preference.

Any person who violates the Veterans Preference Act will be guilty of a Class IV misdemeanor. The county attorneys will prosecute all persons charged with violating the Act. Any veteran who alleges that the state or a governmental subdivision has not provided the veterans preference, after exhausting any available administrative remedy, may bring an action in district court.

The act becomes operative on January 1, 2014.

The amendment strikes all of the original sections of the bill and replaces it with the following provisions:

Veterans who obtain a passing score on all parts of an examination or numerical scoring will have 5% added to their passing score if a claim for the preference is made on the application. This language is based on the current law of a 5% preference on tests but adds the language regarding "numerical scoring."

When no examination or numerical scoring is used, the preference will be given to a qualifying veteran if two or more equally qualified candidates are being considered for the position.

All notices of positions of employment available for veterans preference will state the position is subject to the preference.

A veteran desiring to use the preference will provide the hiring authority with a copy of the veteran's Defense Department Form 214.

The amendment also allows the spouse of a veteran who has a 100% permanent disability to claim the preference. The spouse of a veteran will provide the hiring authority with a copy of the veteran's DD214 form, the veteran's disability verification, and proof of marriage.

Within 30 days after filling a position, veterans who have applied and are not hired will be notified that they have not been hired. The notice will also advise the veteran of any administrative appeal available.

This act becomes operative on January 1, 2014.

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**LB 603 (Chambers) Include affirmation as an alternative when an oath is required**

LB 603 includes the words “affirm or affirmation” in those sections of law where an oath is required.

These sections include oaths for: elected officials, persons who are paid from public funds for their service, members of dock board, jurors, witnesses, deputy registrars, persons who acquires list of registered voters, members of the learning community council, candidate filing forms, persons who rendered assistance in casting a ballot, challenging a person's right to vote, new and former residents receiving a ballot, registered voters without residence address who apply for a ballot, watchers who observe the counting of ballots, and members of the Land Reutilization Commission.

The bill also eliminates the phrase “so help me God” when it appears in various oaths.

The committee amendment strikes the original sections of the bill and replaces them with the following provisions:

First, the amendment adds the words “or affirms” when the words “swear” or “sworn” appear in statute.

Secondly, when the words “So help me God” appear in statute regarding oaths, language is added to provide the oath will be taken “in substance.”

Finally, unlike the original bill, the committee amendment does not add the words “or affirmation” every time the word “oath” appears. All of the sections in the original bill that add the words “or affirmation” after the word “oath” are eliminated with the committee amendment.

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**LB 637 (Wallman) Require an economic analysis of rules and regulations proposed by the Department of Environmental Quality**

LB 637 amends the Administrative Procedures Act to require additional duties for the Department of Environmental Quality when proposing rules and regulations.

If DEQ intends to adopt a rule or regulation that will impose requirements different than federal regulations or increase costs on regulated persons or entities, DEQ will prepare a statement that describes the annual economic impact of the rule. The bill

outlines what will be included in the statement, such as: an estimate of the number of persons effected by the rule; an estimate of the total annual economic impact to comply with the rule; a statement justifying any requirement or cost that is imposed on regulated persons or entities; and a regulatory flexibility analysis that considers less intrusive methods.

If DEQ makes a determination not to implement one of the alternative methods considered, DEQ will include a statement explaining its reason for the determination.

In determining the annual economic impact of a rule, DEQ will consider the annual economic impact on all regulated persons or entities beginning with the first 12-month period after the rule is fully implemented.

DEQ will also deliver copies of the statement to the Governor's Policy Research Office not later than 60 days prior to the date of publication. The bill requires the Policy Research Office to review the proposed rule if the economic impact is greater than \$5000 and may review it if it imposes requirements on regulated persons or entities.

The Policy Research Office will prepare a fiscal impact statement concerning the effect that compliance with the rule will have on the state and the persons effected. The fiscal impact statement is a public record and will contain the total estimated economic impact of the proposed rule or regulation.

DEQ will give written notice to the Policy Research Office of the proposed date of preliminary adoption of the proposed rule or regulation not less than 60 days before that date.

The bill also requires DEQ to make a proposed rule or regulation available to the public not later than 60 days prior to the date of publication. The APA currently requires publication in a newspaper of general circulation 30 days prior to the public hearing.

**BILL SUMMARIES: BILLS HELD IN COMMITTEE**

**LB 41 (Cook) Provide for permanent early voting request list and return of early voting ballots to polling places**

LB 41 allows a registered voter to request to be included on a permanent list of voters to receive an application to request a ballot for early voting.

Prior to each election, the election commissioner or county clerk will mail to all voters who are eligible for the election and who are included on the permanent early voting request list, an application to request a ballot for early voting by nonforwardable mail that is marked with the statement required by the postmaster to receive an address correction notification. If the application is returned undeliverable, the election commissioner or county clerk will take steps to contact the voter to update the voter's address.

The voter will be sent the application to request an early ballot automatically until the voter asks to be removed, the voter's registration is canceled, or the application is returned undeliverable and the election commissioner or county clerk is not able to contact the voter. A voter may make written request at any time to be removed from the list.

The bill also allows a voter or his or her agent to deliver an early ballot to the precinct in which he or she resides not later than the closing of the polls on the day of the election. The clerk of the election will check that the voter's name appears on the precinct list and the voter will sign the register prior to handing the signed identification envelope to the judge for deposit in the ballot box. Current law only allows early ballots to be returned to the office of the election commissioner or county clerk.

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**LB 65 (Schilz) Authorize counties to set sheriff's fees and commissions**

LB 65 requires the county board, beginning January 1, 2014, to set the rates of all necessary fees and commissions charged by the sheriff, with the advice and consultation of the sheriff.

The fees will be set by resolution of the county board subject to a public hearing.

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**LB 108 (Karpisek) Prohibit counties, cities, and villages from imposing credentialing requirements**

Under LB 108, no county, city or village is authorized to require any person to be credentialed to conduct business or engage in any profession or occupation within its jurisdiction.

Credential includes license, certificate, registration, permit, and any other approval required by the state to engage in a specific profession or occupation. It does not include general approval required of businesses such as a sales and use tax collection permit or a business or occupation tax certificate.

This does not apply to the licensing of plumbers or the certification of air conditioning distribution contractors.

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**LB 127 (McGill) Provide for preregistration to vote for 16 and 17 year olds**

LB 127 allows a person who is 16 years old or who is 17 years old and will not attain the age of 18 on or before the first Tuesday after the first Monday in November of the current election year and who is otherwise qualified to register, to preregister to vote. The person will be automatically registered to vote upon reaching the age of eligibility after verification of his or her qualifications and address.

The Secretary of State and county election officials will make registration applications available to persons described above.

For a person who preregisters to vote, the voter registration record becomes effective 1) January 1 of the year during which such person is 17 years old and will attain the age of 18 on or before the first Tuesday after the First Monday in November or 2) at his or her 18<sup>th</sup> birthday for any such person who attains the age of 18 after the first Tuesday after the first Monday in November.

Two weeks prior to the projected effective date of a person's voter registration, the election commissioner or county clerk will send a confirmation of registration to the person requesting that he or she verify qualifications and address as submitted in the application for preregistration.

Upon receipt by the election commissioner or county clerk of a complete and correct registration application and a confirmation of registration, the registrant will be a registered voter.

The Secretary of State is required to design and implement a process of preregistration for persons who are 16 or 17 years of age and will not attain the age of 18 on or before the first Tuesday after the first Monday in November of the current year.

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**LB 160 (Schumacher) Provide for electronic signatures on recall, initiative, and referendum petitions**

LB 160 states it is the intent of this legislation to facilitate the rights of the people to petition through the use of electronic signatures on petitions and the electronic

verification of signatures on petitions used in the recall, initiative, and referendum process.

Under the bill, the Secretary of State will provide for the submission of electronic signatures for every petition unless the petition sponsor opts out of the use of electronic signatures. If the petition sponsor does not opt out, eligible signers may choose whether to submit their signatures electronically or sign the petition manually.

A petition sponsor who does not opt out shall pay a filing fee or file a qualifying affidavit. The filing fee will be \$10,000 for an initiative petition proposing a constitutional amendment and \$5000 for any other petition. If a petition sponsor cannot afford the filing fee, he or she may file a qualifying affidavit.

If an eligible signer signs a petition by an electronic signature, the Secretary of State and county election official will accept it and include it in the count necessary to validate the petition. No circulator signature or notarization will be required for electronic signatures. The bill outlines several requirements the electronic signature must meet in order to have the same force and effect as the use of a manual signature.

When the Secretary of State receives an electronic signature, he or she will mail a post card to the signer at the address on his or her voter registration address indicating the signature has been received. The signer has 10 days to indicate he or she did not submit the signature.

If the electronic signature cannot be correlated with the signer, the signer may request a petition be mailed to him or her. The Secretary of State will encrypt coding on a single signature petition form and mail it to the signer. No circulator signature or notarization will be required.

The Secretary of State is given several duties under this bill including: adopting rules and regulations to carry out the legislation and establishing a secure server located in Nebraska. They are also given authority to establish a verification database from state and county agencies and operate a secure web site account for the purpose of receiving credit card contributions.

Any person may challenge a petition containing electronic signatures. The bill outlines specific procedures for the person making the challenge.

The Petition Operations Fund is created to carry out the provisions of this legislation.

Finally, a person may become a registered participant and request that a link be placed on the web site created by the Secretary of State. The application will provide appropriate information on the link and include a registration fee of \$250 for each link. The link will provide information supporting or opposing a petition.

LB 183 changes how election commissioners in counties having a population of more than one hundred thousand inhabitants are appointed. With this bill, those election commissioners will be appointed by the county board after the expiration of the term of each election commissioner serving on the effective date of this act.

Currently, election commissioners in counties having a population of more than one hundred thousand inhabitants are appointed by the Governor.

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**LB 206 (Schumacher) Require secret-ballot envelopes for mailed ballots**

LB 206 provides for secret-ballot envelopes and return envelopes to be used for voting provisional ballots, ballots for early voting, special elections by mail, and ballots for new or former residents.

Secret-ballot envelopes are defined to mean an envelope that is provided to the voter that bears no characteristics that would identify the voter. The voter may place his or her voted ballot into the secret-ballot envelope before placing it in the return envelope to return the ballot.

Return envelopes are defined to mean the envelope delivered to a registered voter in which they place the secret-ballot envelope and accompanying materials.

The Secretary of State is required to adopt rules and regulations regarding the procedure of removing secret-ballot envelopes from return envelopes after verification of information on the return envelope; removing ballots from secret-ballot envelopes and return envelopes if a voter did not use the secret-ballot envelope; and counting the ballots in a manner that does not impair the anonymity of the voter.

This bill becomes operative on January 1, 2014.

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**LB 217 (Avery) Change constitutional officers' salaries**

Beginning on January 8, 2015, LB 217 changes the salaries of the constitutional officers to the following:

For a member of the **Public Service Commission**, the salary will be \$90,000. The current salary is \$75,000.

For the **Governor**, the salary will be \$126,000. The current salary is \$105,000.

For the **Attorney General**, the salary will be \$114,000. The current salary is \$95,000.

For the **Secretary of State**, the salary will be \$102,000. The current salary is \$85,000.

For the **Auditor of Public Accounts**, the salary will be \$102,000. The current salary is \$85,000.

For the **State Treasurer**, the salary will be \$102,000. The current salary is \$85,000.

For the **Lieutenant Governor**, the salary will be \$90,000. The current salary is \$75,000.

These officers last received pay increases in 2007.

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**LB 241 (Sullivan) Authorize voters to change election of county offices from partisan to nonpartisan**

LB 241 allows a county board in counties with a population of 10,000 or fewer to adopt a resolution requiring the submission of the question to the voters whether county officers should be nominated and elected on a nonpartisan ballot.

Similarly, the registered voters of the county with a population of 10,000 or fewer may file a petition with the county clerk requesting the submission of the question whether county officers should be nominated and elected on a nonpartisan ballot. The signatures of registered voters on the petition will equal at least 5% of the registered voters in the county at the preceding statewide general election.

The question may also be submitted to the voters to change the nomination and election of county officers from a nonpartisan to a partisan ballot in the same manner as described above.

The question of changing the nomination and election of county officers will not be submitted to the voters more than once every three years.

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**LB 257 (McCoy) Change provisions relating to creation of municipal counties**

LB 257 makes changes to the statutes relating to the creation of municipal counties.

Currently, the interjurisdictional planning commission, which prepares the plan for the creation of a municipal county, is made up of members representing the counties and municipalities involved. With LB 257, one member of the commission will represent agricultural landowners and one member will represent a fire protection district if at least one district exists within the county.

The bill requires the commission to hold three public hearings prior to preparing the plan for the creation of a municipal county. Current law requires only one public hearing.

Also, the bill adds specificity as to what will be included in the plan, such as: a complete study of governmental subdivision functions; a determination of duplicated functions; a listing of current interlocal agreements; a determination of what functions and services will be merged; the current number of full-time employees; an actuarial analysis of changes to employee benefits resulting from the creation of a municipal county; an analysis of the total cost of the merger; any legislative changes needed; and descriptions of possible ways the municipal county could be structured.

Currently, if the commission finds the merger is in the public's interest, it will create one plan for the creation of a municipal county. This bill adds several items to be included in the plan, including what functions will be eliminated, any services to be merged, the change in the number of employees, changes to employee benefits, the total cost, and any legislative changes needed.

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**LB 292 (Karpisek) Change population restrictions for conducting elections by mail**

LB 292 expands the number of counties eligible for conducting elections by mail to counties with less than 20,000 inhabitants. Current law allows counties with less than 10,000 inhabitants to apply to the Secretary of State to conduct elections by mail.

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**LB 294 (Seiler) Change provisions relating to use of public resources by public officials and public employees**

LB 294 provides an exemption to the prohibition of public officials or employees using public resources for the purpose of campaigning for or against a candidate or the qualification, passage or defeat of a ballot question.

The bill provides that nothing prohibits a public official who is a member of a government body and acting under the direction of the government body or a public employee who works for a public official or government body who is acting under the direction of either from communicating authorized information for the purpose of educating the public or from participating in a public forum, concerning issues germane to the office or employment of the public official or employee.

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**LB 381 (Janssen) Require photographic identification to vote**

LB 381 provides that no ballot will be handed to any voter in an election until the voter has presented a government-issued photographic identification or the voter votes a provisional ballot.

Government-issued photographic identification is defined in the bill as a motor vehicle operator's license, state identification card, a document issued by the United States showing the name and photograph of the individual, or any other document that is issued by a government entity, has the photograph of the individual and is approved pursuant to the rules and regulations adopted and promulgated by the Secretary of State.

If a voter does not present photographic identification, he or she may vote a provisional ballot.

There are some exceptions to the photo ID requirement. For example, in elections held by mail, registered voters are not required to present photo ID before being issued a ballot. Also under the bill, voters who vote an early ballot are not required to show identification.

Currently, there are identification requirements for persons who register to vote by mail and are voting in Nebraska for the first time. LB 381 requires such voters to provide government-issued photographic identification. Section 32-318.01 dealing with when identification documents are required currently is outright repealed.

Finally, the bill provides that an applicant for a state identification card who indicates he or she is indigent and in need of a state identification card for the purposes of voting will be issued such a card at no cost.

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**LB 448 (Avery) Prohibit contributions by lobbyists to candidates or members of the Legislature during legislative session**

LB 448 prohibits principals, lobbyists, or persons acting on behalf of either from making a contribution to any member of the Legislature or candidate for the Legislature while the legislature is in session.

This provision does not apply to a gift if it is not reportable as a contribution as provided in the Nebraska Political Accountability and Disclosure Act.

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**LB 450 (Avery) Change political party convention and caucus provisions**

LB 450 clarifies the role of the county clerk or election commissioner when a political party decides to caucus to elect delegates to the county convention.

Under LB 450, if delegates to the county postprimary convention are chosen at caucuses, the county party central committee will be responsible for notifying each

person chosen as a delegate at the caucuses of the time and place of the county postprimary convention. Currently in law, the election commission or county clerk issues certificates of election to each person elected as a delegate to the county postprimary convention and notifies each person elected of the time and place of the convention.

If a political party decides to use the caucus system, the state central committee will notify the Secretary of State of the date of the caucus no later than January 1. Once the date has been set, any filing form for a candidate who has filed as a delegate for that party's postprimary convention with the county clerk or election commissioner will be deemed null and void. No additional county convention delegate filing forms for that political party will be accepted by the county clerk or election commissioner.

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**LB 509 (Murante) Change election of learning community coordinating council**

LB 509 makes several changes to the learning community coordinating council.

Beginning with the learning community coordinating council elected in 2014, each learning community will be governed by a coordinating council consisting of one member elected from each school district that is a member of the learning community. Each voter will cast votes for one candidate at both the primary and general elections to represent the school district in which the voter resides.

Under current law, the coordinating council consists of 18 members. Twelve members are elected from subcouncil districts and six members are appointed.

With the bill, the terms of the elected and appointed members of the current coordinating council will expire when the learning community coordinating council is elected in 2014. The terms of the current nonvoting members will also expire at that time.

LB 509 requires the coordinating council to divide the territory of the new learning community into six numbered districts for the purpose of organizing achievement subcouncils. Each achievement subcouncil will consist of three members selected by the coordinating council. Currently, each achievement subcouncil consists of three voting coordinating council members representing the subcouncil district plus any nonvoting coordinating council members.

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**LB 515 (Carlson) Change provisions relating to irrigation district elections**

LB 515 defines elector under the Irrigation District Act as any resident of the State of Nebraska, owning not less than 15 acres of land or who is an entryman of government land, within any irrigation district or proposed district. An elector is also any resident of the state holding a leasehold estate in not less than 40 acres of land

with the district for a period of not less than 5 years. Under the Irrigation District Act, only electors are allowed to vote.

For any irrigation district election, a person whose ownership or right to vote becomes of record or is received as of a date designated by the county clerk or by the secretary of the irrigation district board may vote at the election.

The bill outlines when electors are allowed to vote in the following circumstances: joint tenants, tenants in common, corporations or limited liability corporations, life estates which involve ownership, land-purchase contracts, and trusts and other estates.

If two or more people officials claim conflicting rights to vote on the same acreage, the election board, if any, or the secretary of the board of directors, will determine the party entitled to vote.

The bill also allows the board of directors to determine whether to hold the regular election of the district by mail. The bill outlines the procedures for conducting an election by mail.

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**LB 521 (Christensen) Require cities and villages and other public bodies that maintain web sites to publish ordinances and other information as prescribed**

LB 521 requires any municipality that maintains an official web site to publish all of its ordinances on that website. New or amended ordinances will be published on the web site within 7 days after passage.

The bill also amends the public meeting statutes to provide that if a public body maintains an official web site, the notice and agenda of their meetings will be published on that web site.

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**LB 632 (Bolz) Change funding for county offices relating to public assistance programs**

Under current law, counties are required to maintain office and service facilities used for the administration of public assistance programs at the counties expense. LB 632 requires the state to pay the cost for the office and service facilities used for the administration of the public assistance programs.

The bill also outright repeals section 81-1139.01 that provides for the rental rate on the Stone Office Building at the Norfolk Regional Center.

**BILL SUMMARIES: BILLS INDEFINITELY POSTPONED**

**LB 235 (Howard) Change precinct size requirements and procedures for drawing political subdivision boundaries and changing polling places and provide for election advisory committees**

LB 235 requires in counties having more than 100,000 inhabitants to have an advisory committee to assist the election commissioner. The committee will consist of six members, with political parties appointing four members and the election commissioner appointing two.

The committee will advise the election commissioner on matters relating to voter registration and the conduct of elections in the county.

The bill also changes precinct size to 1000 registered voters based on the number of voter voting at the last general election. The current precinct size is 1750 registered voters.

Prior to creating, drawing, redrawing, revising, rearranging, altering or otherwise changing election district boundaries, the governing body of the political subdivision with this responsibility will hold a public hearing and receive public comment on the proposed boundaries. The bill outlines the hearing notice requirements.

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**LB 372 (Mello) Adopt the Buy Nebraska Act and eliminate provisions relating to resident bidder preferences**

LB 372 creates the Buy Nebraska Act.

The bill establishes price preferences for goods and services purchased from a Nebraska business as follows:

Five percent for a purchase less than \$5000;

Three percent for a purchase of at least \$5000 but less than \$1 million;

One percent for a purchase over \$1 million.

If a Nebraska business offers to provide goods manufactured or produced in the state, and if two or more bids submitted were the same, additional price preferences are available as follows:

Three percent for a purchase less than \$5000;

Two percent for a purchase at least \$5000 but less than \$1 million;

One percent for a purchase of at least \$1 million.

The Department of Administrative Services is required to adopt rules and regulations to determine when a good is manufactured or produced in this state.

The department will also adopt rules and regulations to create a preference to a Nebraska business that submits an offer for a purchase if an out-of-state business submits an offer for the purchase and the out-of-state business is a business from a state that gives preferences unfavorable to Nebraska businesses. The bill outlines what should be included in the rules and regulations. The department will allow a preference under this act based upon which preference would result in the greatest benefit for the Nebraska business.

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**LB 418 (Kolowski) Change powers and duties of election commissioners, chief deputy election commissioners and county boards**

LB 418 requires that election commissioners in counties having more than 100,000 inhabitants to perform duties in consultation with and with the agreement of the chief deputy election commissioner. If the election commissioner and the chief deputy election commissioner agree with respect to the duties, the election commissioner will forward to the county board a report of action.

If the election commissioner and chief deputy election commissioner do **not** agree with respect to duties, the election commissioner will forward a report of the disagreement with respect to the duties to the county board and the county board will make a determination with respect to such action.

Under this bill, the duties of the election commissioner include: adoption of rules and regulations in regard to elections and the registration of voters; notification and training of poll workers; creating precincts; and designating polling places for each precinct.

Finally, the bill provides that refusal of the chief deputy election commissioner to agree with the election commissioner regarding the duties to be performed will not constitute grounds for removal.

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**LB 525 (Haar) Change deadlines under the Election Act**

LB 525 changes many of the deadlines in the Election Act and other statutes dealing with elections. The bill generally moves back the deadlines by 10 days.

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**LB 576 (Harr) Require flagging of area near polling places and change restrictions on electioneering**

LB 576 requires the election commissioner or county clerk to place flags to indicate the area within 200 feet, up to, but not across a public thoroughfare or across private property other than the property the building is located, of the main voting entrance to the building in which a polling place is located on the day of any election.

The owner of a building in which a polling place is located will allow electioneering materials to be displayed on the same property as the building outside of the flagged area.

The bill also prohibits a person from displaying electioneering materials or to do any electioneering within 200 feet, up to, but not across a public thoroughfare or across private property other than the property the building is located of the main voting entrance of the building in which a polling place is located between the hours of 8 am and 8 pm on election day.

No person will remove any lawfully displayed electioneering materials without authorization.

The owner of a building in which a polling place is located will not refuse to allow electioneering materials to be lawfully displayed on the same property as the building.

**RESOLUTION SUMMARIES: ADVANCED FOR FURTHER  
CONSIDERATION**

**LR 38 (Avery) Endorse Taiwan's participation in the International Civil Aviation Organization as an observer and support efforts to grant Taiwan official observer status at the United National Framework Convention on Climate Change**

LR 38 provides that the Legislature endorse Taiwan's participation in the International Civil Aviation Organization as an observer.

The resolution also provides that the Legislature is supportive of all efforts to grant Taiwan official observer status at the United Nations Framework Convention on Climate Change and as a collaborative partner of the United States on a wide range of public issues, Taiwan should be afforded the opportunity to participate in global efforts aimed at reducing and preventing natural disasters.

The committee amendment eliminates all references to granting Taiwan official observer status at the United Nations Framework Convention on Climate Change.

**RESOLUTION SUMMARIES: HELD IN COMMITTEE**

**LR 12CA (Harms) Constitutional amendment to authorize a county manager form of county government**

LR 12CA amends Article IX, section 4 of the constitution to allow the Legislature to provide by law for a county manager form of county government in which county officers may be appointed. This form of government will be optional for each county and will occur only after a majority vote.

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**LR 23 (Avery) Memorialize Congress to support a constitutional amendment responding to the U.S. Supreme Court decision in Citizens United v. Federal Election Commission**

LR 23 provides that the Legislature support an amendment to the United States Constitution that would clarify several misinterpretations of the Constitution by divided actions of the United States Supreme Court that culminated in the Citizens United v. Federal Election Commission case.

The amendment should make clear that corporations have only the privileges bestowed upon them by their charters and by state and federal law and the rights of their shareholders. The amendment will also clarify that money is property and not speech.

## LIST OF INTERIM STUDIES

- LR 167 (Mello) Interim study to examine issues surrounding personal identifying information collected by state and local governments and private businesses.
- LR 192 (Avery) Interim study to examine conducting elections by mail.
- LR 193 (Avery) Interim study to examine the role of political parties in the election process.
- LR 194 (Avery) Interim study to examine issues under the jurisdiction of the Government, Military & Veterans Affairs Committee.
- LR 201 (Crawford) Interim study to examine policy options available to the State of Nebraska to support military installations, military families, and veterans and their families.
- LR 202 (Avery) Interim study to examine the issue of election day registration.
- LR 223 (Mello) Interim study to examine issues surrounding open data policies.
- LR 305 (Harr) Interim study to examine the governance and efficiency of the State Board of Education.
- LR 341 (Davis, Avery, Brasch, et al) Interim study to examine the powers and duties of the Nebraska Emergency Management Agency.

**GOVERNMENT, MILITARY & VETERANS AFFAIRS COMMITTEE**

**INDEX OF BILLS**

**ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION – 2013**

<b>LB/LR</b>	<b>Introducer</b>	<b>One-Liners</b>	<b>Hearing Date</b>	<b>Committee Disposition</b>	<b>Bill Status</b>	<b>Comments</b>
LB 40	Harms	Update references to Government Auditing Standards	1/25/13	General File	Approved by the Governor on 3/7/13	
LB 41	Cook	Provide for permanent early voting request list and return of early voting ballots to polling places	1/23/13	Held in Committee	Held in Committee	
LB 56	Larson	Provide for automatic nomination of certain county officers	1/23/13	General File with AM226	General File with AM226	
LB 65	Schilz, Davis	Authorize counties to set sheriff's fees and commissions	1/30/13	Held in Committee	Held in Committee	
LB 78	Avery, Pirsch	Eliminate an authority, a board, and certain committees and commissions	1/24/13	General File with AM104	Approved by Governor on 3/7/13	
LB 79	Avery	Change political accountability and disclosure provisions and repeal campaign finance laws	1/25/13	General File with AM452	Approved by Governor on 4/24/13	<b>Government Committee Priority Bill</b>
LB 98	Mello, Nordquist	Change provisions relating to administrative rules	2/8/13	General File with AM331	Motion to suspend rules to IPP- Approved (6/5/13)	<b>Portions/Provisions of LB 98 were amended into LB 242 by AM789.</b>
LB 108	Karpisek	Prohibit counties, cities, and villages from imposing credentialing requirements	1/30/13	Held in Committee	Held in Committee	

<b>LB/LR</b>	<b>Introducer</b>	<b>One-Liners</b>	<b>Hearing Date</b>	<b>Committee Disposition</b>	<b>Bill Status</b>	<b>Comments</b>
LB 125	Lautenbaugh, Avery, Chambers, Ashford, Murante	Change provisions relating to boards of education of Class V school districts	1/24/13	General File with AM47	Approved by Governor on 2/11/13	
LB 127	McGill	Provide for preregistration to vote for 16 and 17 year olds	2/7/13	Held in Committee	Held in Committee	
LB 137	Avery	Establish state fleet card programs	1/25/13	General File	Approved by Governor on 3/7/13	
LB 140	Krist	Change provisions of the Airport Zoning Act	1/25/13	General File with AM210	Approved by Governor on 5/29/13	<b>Senator Krist's Priority Bill</b>
LB 144	Brasch	Provide for write-in candidacy by defeated candidate	1/23/13	General File	General File	
LB 160	Schumacher	Provide for electronic signatures on recall, initiative, and referendum petitions	1/31/13	Held in Committee	Held in Committee	
LB 167	McCoy	Change balloting and vacancy provisions for presidential electors	1/31/13	General File with AM76	General File with AM76	
LB 180	Adams, Pirsch, Crawford	Provide for the waiver of education-related fees for dependents of veterans	2/1/13	General File	Approved by Governor on 3/7/13	
LB 183	Karpisek	Provide for county board appointment of election commissioners	1/31/13	Held in Committee	Held in Committee	
LB 188	Karpisek	Require legislative approval of gubernatorially appointed election commissioners	1/31/13	General File with AM691	General File with AM691	
LB 192	Karpisek	Change provisions relating to requests for information by the Auditor of Public Accounts	2/13/13	General File	Approved by Governor on 5/7/13	
LB 206	Schumacher	Require secret-ballot envelopes for mailed ballots	2/7/13	Held in Committee	Held in Committee	
LB 215	Schilz	Change provisions relating to use of the County Visitors Promotion Fund	2/13/13	General File with AM156	General File with AM156	

<b>LB/LR</b>	<b>Introducer</b>	<b>One-Liners</b>	<b>Hearing Date</b>	<b>Committee Disposition</b>	<b>Bill Status</b>	<b>Comments</b>
LB 217	Avery	Change constitutional officers' salaries	2/13/13	Held in Committee	Held in Committee	
LB 219	Avery	Change petition requirements for general election ballot	2/7/13	General File with AM840	General File with AM840	
LB 222	McCoy	Change provisions regarding certain reports submitted electronically to the Legislature	2/13/13	General File with AM244	Approved by Governor on 5/7/13	
LB 224	Janssen, Mello, Price	Provide a preference for awarding state contracts to resident disabled veterans and certain businesses	2/1/13	General File with AM711	Approved by Governor on 6/5/13	<b>Senator Pirsch's Priority Bill</b>
LB 235	Howard, Karpisek, Lathrop, Mello, Nordquist, Wallman	Change precinct size requirements and procedures for drawing political subdivision boundaries and changing polling places and provide for election advisory committees	2/14/13	Indefinitely Postponed	Indefinitely Postponed	
LB 241	Sullivan, Bolz	Authorize voters to change election of county offices from partisan to nonpartisan	2/7/13	Held in Committee	Held in Committee	
LB 257	McCoy	Change provisions relating to creation of municipal counties	1/30/13	Held in Committee	Held in Committee	
LB 271	Lautenbaugh	Change provisions relating to early voting	2/14/13	General File	Approved by Governor on 4/24/13	<b>Government Committee Priority Bill</b>
LB 278	Pirsch	Change provisions relating to fees charged by the Secretary of State	2/20/13	General File	General File	
LB 292	Karpisek	Change population restrictions for conducting elections by mail	Cancelled 2/21/13 Rescheduled to 3/5/13	Held in Committee	Held in Committee	<b>Interim Study LR 192</b>
LB 294	Seiler	Change provisions relating to use of public resources by public officials and public employees	2/22/13	Held in Committee	Held in Committee	
LB 299	Seiler	Require the Secretary of State to develop and publish guidelines for election workers and change political subdivision election provisions.	Cancelled 2/21/13 Rescheduled to 3/5/13	General File	Approved by Governor on 5/16/13	<b>Senator Seiler's Priority Bill. Portions/Provisions of LB 417 were amended into LB 299 by AM987.</b>

LB/LR	Introducer	One-Liners	Hearing Date	Committee Disposition	Bill Status	Comments
LB 303	Wallman	Change registration requirements for land surveyors	2/20/13	General File	Approved by Governor on 5/7/13	
LB 311	Scheer	Change filing requirements for official bonds and oaths	1/30/13	General File	Approved by Governor on 3/7/13	
LB 349	Murante	Change ballot status and write-in provisions for presidential and vice-presidential candidates	Cancelled 2/21/13 Rescheduled to 3/5/13	General File	Approved by Governor on 5/7/13	
LB 363	Avery	Change provisions relating to access to public records	2/6/13	General File with AM166	Approved by Governor on 6/4/13	
LB 364	Avery	Permit government bodies to set limits on certain contracts	2/22/13	General File with AM1360	General File with AM1360	
LB 371	Mello, Karpisek, Krist	Adopt the Transparency in Government Procurement Act	2/8/13	General File with AM307	General File with AM307	
LB 372	Mello, Janssen, Karpisek, Seiler	Adopt the Buy Nebraska Act and eliminate provisions relating to resident bidder preferences	2/8/13	Indefinitely Postponed	Indefinitely Postponed	
LB 381	Janssen	Require photographic identification to vote	3/7/13	Held in Committee	Held in Committee	
LB 382	Janssen, McCoy	Change presidential elector selection and voting requirements	3/6/13	General File	General File	
LB 417	Kolowski	Provide for guidelines for election workers	Cancelled 2/21/13 Reschedule to 3/5/13	General File	Motion to suspend rules to IPP – Approved (6/5/13)	<b>Portions/Provisions of LB 417 were amended into LB 299 by AM987.</b>
LB 418	Kolowski	Change powers and duties of election commissioners, chief deputy election commissioners, and county boards	2/27/13	Indefinitely Postponed	Indefinitely Postponed	
LB 429	Crawford, Avery, Mello, Pirsch	Require disclosure of state contracts	2/8/13	General File with AM390	Approved by Governor on 6/4/13	<b>Senator Crawford's Priority Bill</b>

<b>LB/LR</b>	<b>Introducer</b>	<b>One-Liners</b>	<b>Hearing Date</b>	<b>Committee Disposition</b>	<b>Bill Status</b>	<b>Comments</b>
LB 433	Price	Require a report and change administration procedures for ballots at hospitals and nursing homes	2/27/13	General File	General File	
LB 434	Price	Provide for emergency management registries for persons with special needs	2/6/13	General File	Approved by Governor on 4/3/13	
LB 448	Avery	Prohibit contributions by lobbyists to candidates or members of the Legislature during legislative session	2/22/13	Held in Committee	Held in Committee	
LB 449	Avery	Redefine high elective office for restrictions on multiple office holding	2/27/13	General File	General File	
LB 450	Avery	Change political party convention and caucus provisions	2/27/13	Held in Committee	Held in Committee	<b>Interim Study LR 193</b>
LB 504	Coash	Change Commission on Indian Affairs state assistance for political subdivisions provisions	2/20/13	General File with AM1441	Motion to suspend rules to IPP – Approved (6/5/13)	<b>Portions/Provisions of LB 504 were amended into LB 199 by AM1232.</b>
LB 509	Murante	Change election of learning community coordinating council	3/7/13	Held in Committee	Held in Committee	
LB 510	Scheer	Change Open Meetings Act telephone conference call provisions and authorization for videoconferencing and teleconferencing	2/6/13	General File	Approved by Governor on 3/20/13	
LB 515	Carlson	Change provisions relating to irrigation district elections	2/28/13	Held in Committee	Held in Committee	
LB 521	Christensen	Require cities and villages and other public bodies that maintain web sites to publish ordinances and other information as prescribed	2/6/13	Held in Committee	Held in Committee	
LB 525	K. Haar	Change deadlines under the Election Act	2/14/13	Indefinitely Postponed	Indefinitely Postponed	
LB 534	Avery	Change provisions relating to the Auditor of Public Accounts and the Legis. Performance Audit Section	3/6/13	General File with AM913	General File with AM913	

<b>LB/LR</b>	<b>Introducer</b>	<b>One-Liners</b>	<b>Hearing Date</b>	<b>Committee Disposition</b>	<b>Bill Status</b>	<b>Comments</b>
LB 563	Krist	Change provisions relating to contracts for services	3/1/13	General File	Approved by Governor on 5/29/13	<b>Legislative Performance Audit Priority Bill</b>
LB 565	Nelson, Price, Lautenbaugh	Prohibit registering to vote and voting early on the same day	2/28/13	General File with AM810	General File with AM810	<b>Speaker Priority Bill</b>
LB 576	B. Harr	Require flagging of area near polling places and change restrictions on electioneering	2/28/13	Indefinitely Postponed	Indefinitely Postponed	
LB 588	Watermeier, Bloomfield, Price	Change veteran employment preference provisions and name the act	3/6/13	General File with AM646	General File with AM646	
LB 603	Chambers	Include affirmation as an alternative when an oath is required	3/1/13	General File with AM1448	General File with AM1448	
LB 632	Bolz, Campbell	Change funding for county offices relating to public assistance programs	3/6/13	Held in Committee	Held in Committee	
LB 637	Wallman, Bloomfield, Brasch, et al	Require an economic analysis of rules and regulations proposed by the Department of Environmental Quality	2/20/13	General File	General File	<b>Senator Wallman's Priority Bill</b>
LB 646	Murante, Ashford, Avery, Crawford	Change election provisions for public power districts	2/28/13	General File with AM613	Approved by Governor on 5/8/13	<b>Senator Murante's Priority Bill</b>
LR 12CA	Harms	Constitutional amendment to authorize a county manager form of county government	1/23/13	Held in Committee	Held in Committee	
LR 23	Avery	Memorialize Congress to support a constitutional amendment responding to the U.S. Supreme Court decision in Citizens United v. Federal Election Commission	3/7/13	Held in Committee	Held in Committee	
LR 38	Avery	Endorse Taiwan's participation in the International Civil Aviation Organization as an observer and support efforts to grant Taiwan official observer status at the United National Framework Convention on Climate Change	3/7/13	Reported to Legislature for further consideration with AM758	Reported to Legislature for further consideration with AM758	

<b>Governor/ Secretary of State Appts.</b>	<b>Name</b>	<b>Board/Commission</b>	<b>Hearing Date</b>	<b>Committee Disposition</b>	<b>Bill Status</b>	<b>Comments</b>
Governor Appointment	Wayne Boyd (New Appointment)	State Personnel Board	2/14/13	Reported to Legislature for Confirmation	Legislature Approved (2-28-13)	
Governor Appointment	Sean Conway (New Appointment)	Nebraska Accountability and Disclosure Commission	1/30/13	Reported to Legislature for Confirmation	Legislature Approved (2-7-13)	
Governor Appointment	Steven Danon (Reappointment)	State Emergency Response Commission	3/1/13	Reported to Legislature for Confirmation	Legislature Approved (3-6-13)	
Governor Appointment	Don Eisenhower (Reappointment)	State Emergency Response Commission	3/1/13	Reported to Legislature for Confirmation	Legislature Approved (3-6-13)	
Governor Appointment	Jim Heine (New Appointment)	State Fire Marshal - Nebraska State Fire Marshal's Office	4/16/13	Reported to Legislature for Confirmation	Legislature Approved (4-18-13)	
Governor Appointment	Tony Moody (New Appointment)	Nebraska Tourism Commission	2/8/13	Reported to Legislature for Confirmation	Legislature Approved (2-12-13)	